

PATENT  
Docket No. 546322000300

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Michael W. GRAHAM and Robert N.  
RICE

Serial No.: 09/100,812

Filing Date: June 19, 1998

For: SYNTHETIC GENES AND GENETIC  
CONSTRUCTS COMPRISING SAME I

Examiner: S. Kaushal

Group Art Unit: 1636

REVOCATION OF PRIOR POWER OF ATTORNEY AND  
POWER OF ATTORNEY AND PROSECUTION BY ASSIGNEE  
UNDER 37 C.F.R. § 3.71

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

**BENITEC AUSTRALIA LIMITED**, the assignee of the entire right, title and interest in this patent application, hereby revoke all Powers of Attorney previously granted relating to this application and appoint as its attorneys or agents, with full power of substitution, association, and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected herewith:

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Thomas L. Treffert (Reg No. P48,279)	Brenda J. Wallach (Reg No. 45,193)
Michael R. Ward (Reg No. 38,651)	E. Thomas Wheelock (Reg No. 28,825)
Todd W. Wight (Reg No. 45,218)	Eric Witt (Reg No. 44,408)
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George C. Yu (Reg No. 44,418)	Karen R. Zachow (Reg No. 46,332)
Jie Zhou (Reg No. 52,395)	

all of Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105-2482, telephone: (415) 268-7000, said appointment to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71 provided that if any one of said attorneys or agents ceases being affiliated with the law firm of Morrison & Foerster LLP as partner, employee or of counsel, such attorney's or agent's appointment as attorney or agent and all powers derived therefrom shall terminate on the date such attorney or agent ceases being so affiliated.


Please direct all communications relative to this application to:

Michael R. Ward  
Morrison & Foerster LLP  
425 Market Street  
San Francisco, California 94105-2482

Please direct all telephone communications to Michael R. Ward at (415) 268-6237.

**BENITEC AUSTRALIA LIMITED**  
an Australian corporation

Dated: January 15<sup>th</sup>, 2003

  
\_\_\_\_\_  
Name: John A. McKinley  
Title: CEO  
Address: P.O. BOX 4193, St. Lucia South, QLD  
4067 Australia

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: **Michael W. GRAHAM, et al.**Application No./Patent No.: **09/100,812**Filed/Issue Date: **June 19, 1998**Entitled: **SYNTHETIC GENES AND GENETIC CONSTRUCTS COMPRISING SAME I****BENITEC AUSTRALIA LTD., an Australian corporation**

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
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in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: **Michael W. Graham** To: **AG-GENE AUSTRALIA LTD. et al.**  
The document was recorded in the United States Patent and Trademark Office at Reel **9403** Frame **0133** or for which a copy thereof is attached.
2. From: **AG-GENE AUSTRALIA LTD.** To: **BENITEC AUSTRALIA LTD. - Change of Name**  
The document was recorded in the United States Patent and Trademark Office at Reel **011197** Frame **0523**, or for which a copy thereof is attached.
3. From: **BENITEC AUSTRALIA LTD.** To: **BENITEC AUSTRALIA LTD. - Change of Address**  
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☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

**[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]**

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee

1/17/03  
Date

Michael R. Ward  
MICHAEL R. WARD (Reg. No. 38,651)

Signature

Title: **Attorney for Assignee****Docket No: 546322000300**

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DECEMBER 17, 1998

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SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 08/20/1998

REEL/FRAME: 9403/0133  
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

## ASSIGNOR:

GRAHAM, MICHAEL WAYNE

DOC DATE: 07/17/1998

## ASSIGNEE:

AG-GENE AUSTRALIA LTD.  
OF LEVEL 14, 141 QUEEN STREET  
BRISBANE, QUEENSLAND, 4000

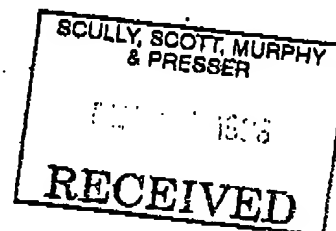
AUSTRALIA

## ASSIGNEE:

STATE OF QUEENSLAND THROUGH ITS  
DEPT. OF PRIMARY INDUSTRIES  
PRIMARY INDUSTRIES BLDG.  
80 ANN ST.  
BRISBANE, QUEENSLAND, 4000

AUSTRALIA

11535



APR 15 1998

JAN. 17. 2003 2:31PM MOFO 28TH FL

NO. 336 P. 8

9403/0133 PAGE 2

SERIAL NUMBER: 09100812  
PATENT NUMBER:

FILING DATE: 06/19/1998  
ISSUE DATE:

LENELL MACKALL, PARALEGAL  
ASSIGNMENT DIVISION  
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NO. 336 P. 9  
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JANUARY 02, 2001

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RECORDATION DATE: 10/23/2000

REEL/FRAME: 011197/0523  
NUMBER OF PAGES: 2

BRIEF: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

AG-GENE AUSTRALIA LTD.

ASSIGNEE:

BENITEC AUSTRALIA LTD.  
QUEEN STREET  
BRISBANE, AUSTRALIA 4000

ASSIGNEE:

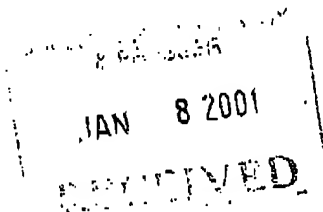
PRIMARY INDUSTRIES  
PRIMARY INDUSTRIES BLDG.  
80 ANN ST.  
BRISBANE, QUEENSLAND, AUSTRALIA

4000

SERIAL NUMBER: 09100812

PATENT NUMBER:

PGD/X2  
CN-536



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NO. 336 P. 10

011197/0523 PAGE 2

SERIAL NUMBER: 09100814  
PATENT NUMBER:

FILING DATE: 06/19/1998  
ISSUE DATE:

SERIAL NUMBER: 09628176  
PATENT NUMBER:

FILING DATE: 07/28/2000  
ISSUE DATE:

TARA WASHINGTON, EXAMINER  
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1. Name of conveying party(ies):  
 AG-GENE AUSTRALIA LTD.

2. Name and address of receiving party(ies):  
 Name: BENITEC AUSTRALIA LTD  
 Address: Queen Street, Brisbane, Queensland, 4000  
 Australia; and State of Queensland through its Dept. of  
 Primary Industries, Primary Industries Bldg., 80 Ann St.  
 City: Brisbane State/Prov.: Queensland  
 Country: Australia ZIP: 4000

Additional names(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:  
☐ Assignment ☐ Merger  
☐ Security Agreement ☒ Change of Name  
☐ Other \_\_\_\_\_

Execution Date: May 2, 2000

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or registration numbers(s):  
 If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

Patent Application No.	Filing date	B. Patent No.(s)
09/100,812	June 19, 1998	
09/100,814	June 19, 1998	
09/628,176	July 28, 2000	

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:  
 Name: Frank S. DiGiglio  
 Registration No. 31,346  
 Address: SCULLY, SCOTT, MURPHY & PRESSER  
 400 Garden City Plaza  
 City: Garden City State/Prov.: NY  
 Country: U.S.A. ZIP: 11530

6. Total number of applications and patents involved: 3

7. Total fee (37 CFR 3.41): \$ 120.00  
☒ Enclosed - Any excess or insufficiency should be credited or debited to deposit account  
☐ Authorized to be charged to deposit account

8. Deposit account number:  
 19-1013/SSMP

9. Statement and signature.  
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 Frank S. DiGiglio  
 Name of Person Signing Signature  
 October 18, 2000 Date

Total number of pages (including cover sheet, attachments, and document): 3

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 11 FC1581 120.00 09

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SYDNEY NSW 2001

## **Certificate of the Registration of a Company**

Corporations Law Paragraph 1274 (2) (b)

This is to certify that

**AG-GENE AUSTRALIA LTD.**

**Australian Company Number 080 299 645**

is registered under the Corporations Law of Queensland  
and the date of commencement of registration is  
the sixth day of October 1997.

On the second day of May 2000 the company changed its name to  
**BENITEC AUSTRALIA LTD**

The company is limited by shares.

The company is a public company.

Issued by the  
Australian Securities and Investments Commission  
on this twenty-ninth day of May, 2000.

*M. Tassan*

-----  
A delegate of the Australian Securities and Investments Commission

JAN. 17. 2003 2:32PM

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NO. 336

P. 13



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RECORDATION DATE: 08/27/2001

REEL/FRAME: 012116/0897  
NUMBER OF PAGES: 2

BRIEF: CHANGE OF ADDRESS

ASSIGNOR:

AG-GENE AUSTRALIA LTD.

DOC DATE: 05/02/2000

ASSIGNEE:

BENITEC AUSTRALIA LTD.  
SUITE 4, 242 HAWKEN DRIVE, ST.  
LUCIA SOUTH, BRISBANE,  
QUEENSLAND, 4067, AND STATE OF  
QUEENSLAND THROUGH ITS DEPT. OF  
PRIMARY INDUSTRIES, PRIMARY  
INDUSTRIES  
PRIMARY INDUSTRIES BLDG., 80 ANN  
ST.  
BRISBANE QUEENSLAND, AUSTRALIA 4067

SERIAL NUMBER: 09100812  
PATENT NUMBER:

FILING DATE: 06/19/1998  
ISSUE DATE:

SERIAL NUMBER: 09628176  
PATENT NUMBER:

FILING DATE: 07/28/2000  
ISSUE DATE:

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NO. 336 P. 14

012116/0897 PAGE 2

TONYA LEE, EXAMINER  
ASSIGNMENT DIVISION  
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Docket No.: NO. 336nd 11P. 15

08-31-2001

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## 1. Name of conveying party(ies):

AG-GENE AUSTRALIA LTD.

8.27.01

Additional names(s) of conveying party(ies) attached? ☐ Yes ☒ No

## 3. Nature of conveyance:

- ☐ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☒ Other Change of Address for BENITEC AUSTRALIA

Execution Date: May 2, 2000

## 2. Name and address of receiving party(ies):

Name: BENITEC AUSTRALIA LTD.Address: Suite 4, 242 Hawken Drive, St. Lucia South,  
Brisbane, Queensland, 4067; and State of Queensland

through its Dept. of Primary Industries, Primary

Industries, Primary Industries Bldg., 80 Ann St.

City: Brisbane State/Prov.: QueenslandCountry: Australia AUG 27 2001 4067Additional name(s) & address(es) attached? ☐ Yes ☒ No

## 4. Application number(s) or registration numbers(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

Patent Application No.

Filing date

B. Patent No.(s)

09/100,812

June 19, 1998

09/628,176

June 28, 2000

Additional numbers attached? ☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Leopold PresserRegistration No. 19,827Address: SCULLY, SCOTT, MURPHY & PRESSER400 Garden City PlazaCity: Garden City State/Prov.: NYCountry: U.S.A. ZIP: 115306. Total number of applications and patents involved: 27. Total fee (37 CFR 3.41):.....\$ 80.00☒ Enclosed - Any excess or insufficiency should be credited or debited to deposit account☐ Authorized to be charged to deposit account

## 8. Deposit account number:

19-1013/SSMP

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Leopold Presser

Name of Person Signing

Signature

August 23, 2001

Date

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NO. 336 P. 16

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#29

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Attorneys at Law  
425 Market Street  
San Francisco, California 94105-2482  
Telephone: (415) 268-7000  
Facsimile: (415) 268-7522

**To: U.S. PATENT AND TRADEMARK OFFICE**  
**Attn: Examiner Sumesh Kaushal**  
**Group Art Unit: 1636**

**Facsimile: 703/746-3124**  
**Phone: 703/305-6838**

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**GROUP ART UNIT: 1636**

**EXAMINER: S. Kaushal**

**SERIAL NO.: 09/100,812**

**FILING DATE: June 19, 1998**

**INVENTOR(S): Michael W. GRAHAM**

**TITLE: SYNTHETIC GENES AND GENETIC CONSTRUCTS COMPRISING SAME I**

**PAPERS ATTACHED:**

1. Transmittal - 1 pg
2. POWER OF ATTORNEY - 3 pgs
3. Statement Under 3.73(b) with courtesy copies of Assignment Documents - 11 pg

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

Application Number

09/100,812

Filing Date

June 19, 1998

First Named Inventor

Michael Wayne GRAHAM

Group Art Unit

1836

Examiner Name

S. Kaushal

Attorney Docket No.

546322000300

**ENCLOSURES (check all that apply)**☐ Fee Transmittal Form - 1 pg IN DUPL.☐ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declarations☐ Extension of Time Request (2 mos.) - 1 pg☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/  
Incomplete Application☐ Response to Missing Parts  
under 37 CFR 1.52 or 1.53☐ Assignment Papers  
(for an Application)☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a  
Provisional Application☒ Revocation of Prior Power of  
Attorney - 3 pgs☐☐☐

Remarks

☐ After Allowance Communication to  
Group☐ Appeal Communication to Board of  
Appeals and Interferences☐ Appeal Communication to Group  
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please identify  
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2) RETURN RECEIPT POSTCARD

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Michael R. Ward (Reg. No. 38,851)

Individual Name

Signature

*Michael R Ward*

Date

January 17, 2003

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